THE ADOPTION AND IMPLEMENTATION OF THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELING OF CHEMICALS (GHS)

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Whereas, the Philippines is a participating government during the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil in June 1992;

Whereas, the Philippine Government adheres to the principles embodied in Agenda 21, which were adopted at the UNCED;

Whereas, Chapter 19, Program B of Agenda 21 mandates that a globally harmonized hazard classification and compatible labeling system, including material data sheets and easily understandable symbols, should be available, if feasible, by the year 2000;

Whereas, at the World Summit for Sustainable Development (WSSD) held in Johannesburg, South Africa in September 2002, governments reaffirmed their commitments and agreed on a 2008 implementation target for the GHS;

Whereas, at the 14th Asia-Pacific Economic Corporation (APEC) APEC Ministerial Meeting held in Los Cabos, Mexico in October 2002 the APEC members where encouraged to work towards implementing the Globally Harmonized System on hazard classification and labeling of chemicals and safety data sheets by 2006;

Whereas, the first version of the GHS was adopted in December 2002 by the UN Sub-Committee on the Globally Harmonized System of Classification and Labelling of Chemicals (UN SCEGHS), and endorsed by the UN Committee on the Transport of Dangerous Goods and the Globally Harmonized System of Classification and Labeling of Chemicals (UN CTDGGHS);

Whereas, at the 18th APEC Ministerial Meeting held in Hanoi, Vietnam in November 2006, the member economies were encouraged to continue their e f forts to implement the GHS with a view to having it fully implemented by the recommended target date of 2008;

Whereas, the identified sectors of the GHS implementation are: agriculture, industrial workplace/production, transport and consumer products;

Whereas, based on the Situation and Gap Analysis conducted on the identified sectors, there are already existing laws in the Philippines addressing the management of chemicals, particularly on labeling;

Whereas, there is a need to revise the Implementing Rules and Regulations (IRR) of the concerned laws to implement the provisions of GHS;

Whereas, to ensure the involvement and commitment of concerned government agencies in addressing these target sectors of the GHS implementation, a Joint Administrative Order is hereby promulgated.

NOW, THEREFORE, this Order is hereby prescribed by the undersigned Departments for the information,

guidance and compliance of all concerned:

SECTION 1. Objective - The objective of this Joint Administrative Order is the adoption and implementation of classification criteria, labeling and Safety Data Sheet (SDS) requirements of the GHS.

SECTION 2. Definitions -

a. GHS is an acronym for Globally Harmonized System of Classification and Labeling of Chemicals. The GHS is a system for standardizing and harmonizing the classification and labeling of chemicals. It is a logical and comprehensive approach to

- Defining health, physical and environmental hazards of chemicals
- Creating classification processes that use available data on chemicals for comparison with the defined hazard criteria; and
- Communicating hazard information, as well as protective measures, on labels and Safety Data Sheets (SDS).

b. Harmonization refers to establishing a common and coherent basis for hazards classification and communication of chemicals, and the appropriate elements relevant to means of transport, consumers, workers and environmental protection can be selected/chosen.

c. Label refers to an appropriate group of written, printed or graphic information elements that are affixed to, printed on, or attached to the immediate container of a hazardous product, or to the outside packaging of a hazardous product.

d. Hazards refer to the inherent characteristics of chemical substances and mixtures that exist in the workplace and in the environment regardless of quantity that are potentially dangerous or which have the capacity to harm, i.e., its capacity to interfere with normal biological processes, and its capacity to burn, explode, corrode, etc.

e. “Chemical substance” means any organic or inorganic substance of a particular molecular identity including any element or uncombined chemical and any combination of such substances, or any mixture of two and excluding radioactive materials.

f. “Mixtures” refer to combination of two or more chemical substances with no chemical reaction taking place.

g. “Toxic or hazardous substances” refer to the chemical substances or mixtures that may be harmful to the environment and/or to human health in a short-term and long-term basis if it is inhaled, swallowed, or absorbed through the skin.

h. The Safety Data Sheet (SDS) is a document that provides important physical characteristics, ecological, health, safety and toxicological information on chemical substances or mixtures of ingredients used at the workplace, transported and may be utilized by the consumer.

SECTION 3. Scope - This Joint Administrative Order sets out the duties and responsibilities of the GHS implementing and coordinating government agencies in the adoption of the classification criteria, labeling, and SDS requirements of the GHS (Please see Annex A[*]).

The GHS adoption shall cover chemicals and mixtures. In the case of pesticides for agriculture and other uses, due consideration shall be given to incorporating the GHS principles, where appropriate into the FAO/WHO basic principles and guidelines which the Fertilizer and Pesticide Authority (FPA) uses particularly with regard to toxicity and hazard classification and other labeling requirements. In the transport sector, the GHS is implemented through the United Nations Recommendations on the Transport of Dangerous Goods (UNRTDG).

Pharmaceuticals, food additives, cosmetics, and pesticide residues in food shall not be covered at the point of

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intentional intake, except at the workplace and during transport.

SECTION 4. Creation of a National GHS Implementing and Coordinating Committee - A National GHS Implementing and Coordinating Committee shall be created which will be headed by the Department of Trade and Industry - Board of Investments. The following shall be the GHS implementing and coordinating government agencies:

a. Department of Agriculture (DA);
b. Department of Environment and Natural Resources (DENR);
c. Department of Finance (DOF);
d. Department of Health (DOH);
e. Department of Interior and Local Government (DILG);
f. Department of Labor and Employment (DOLE);
g. Department of Transportation and Communications (DOTC); and
h. Department of Trade and Industry (DTI).

SECTION 5. Duties and Responsibilities of the Implementing and Coordinating Committee - The National GHS Implementing and Coordinating Commiittee shall have the following duties and responsibilities:

a. Oversee the development and formulation of the Implementing Rules and Regulations of concerned agencies in adopting the GHS and its principles of application set out in Part 1 of the GHS Manual, which shows the GHS Pictograms and Hazard Classes (Annex B[*]) and Safety Data Sheets Format and Guidelines (Annex C[*]).

b. Convene and attend inter-agency meetings and other related activities concerning GHS development;

c. Coordinate, monitor and provide guidance on the implementation of the GHS.

SECTION 6. Repealing Clause - All other issuances inconsistent with this Joint Administrative Order and all its annexes are hereby repealed or modified accordingly.

SECTION 7. Effectivity - This Joint Administrative Order shall take effect immediately after 30 days from completion of publication in the Official Gazette or in a newspaper of general circulation and registration with the UP Law Center.

Adopted: 25 May 2009

(SGD.) PETER B. FAVILA
Secretary
Department of Trade and Industry

(SGD.) JOSE L. ATIENZA, JR.
Secretary
Department of Environment and Natural Resources

(SGD.) ARTHUR C. YAP
Secretary
Department of Agriculture

(SGD.) MARGARITO B. TEVES
Secretary
Department of Finance

(SGD.) FRANCISCO T. DUQUE III

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Secretary
Department of Health

(SGD.) RONALDO V. PUNO
Secretary
Department of Interior and Local Government

(SGD.) MARIANITO D. ROQUE
Acting Secretary
Department of Labor and Employment

(SGD.) LEANDRO R. MENDOZA
Secretary
Department of Transportation and Communications

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[*] Text Available at Office of the National Administrative Register, U. P. Law Complex, Diliman, Quezon City.

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